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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,870	12/12/2003	William F. Leek	SIMP-51002US0	1550

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,870

Applicant(s)

WILLIAM F. LEEK ET AL

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 9, 11, 14, 15, 17, 18 and 24-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 14, 15, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 8, 9, 24, 26, 27, 30-36 is/are rejected.
- 7) ☒ Claim(s) 25, 28, 29 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Withdrawal of Allowable Subject Matter

The indicated allowability of claims 8, 9, and 24-37 is withdrawn in view of a closer review of the reference(s) to JOHNSON et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8,30 and 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "said channel" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 30 and 31 recite the limitation "said first and second intersection lines"; respectively, in lines 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

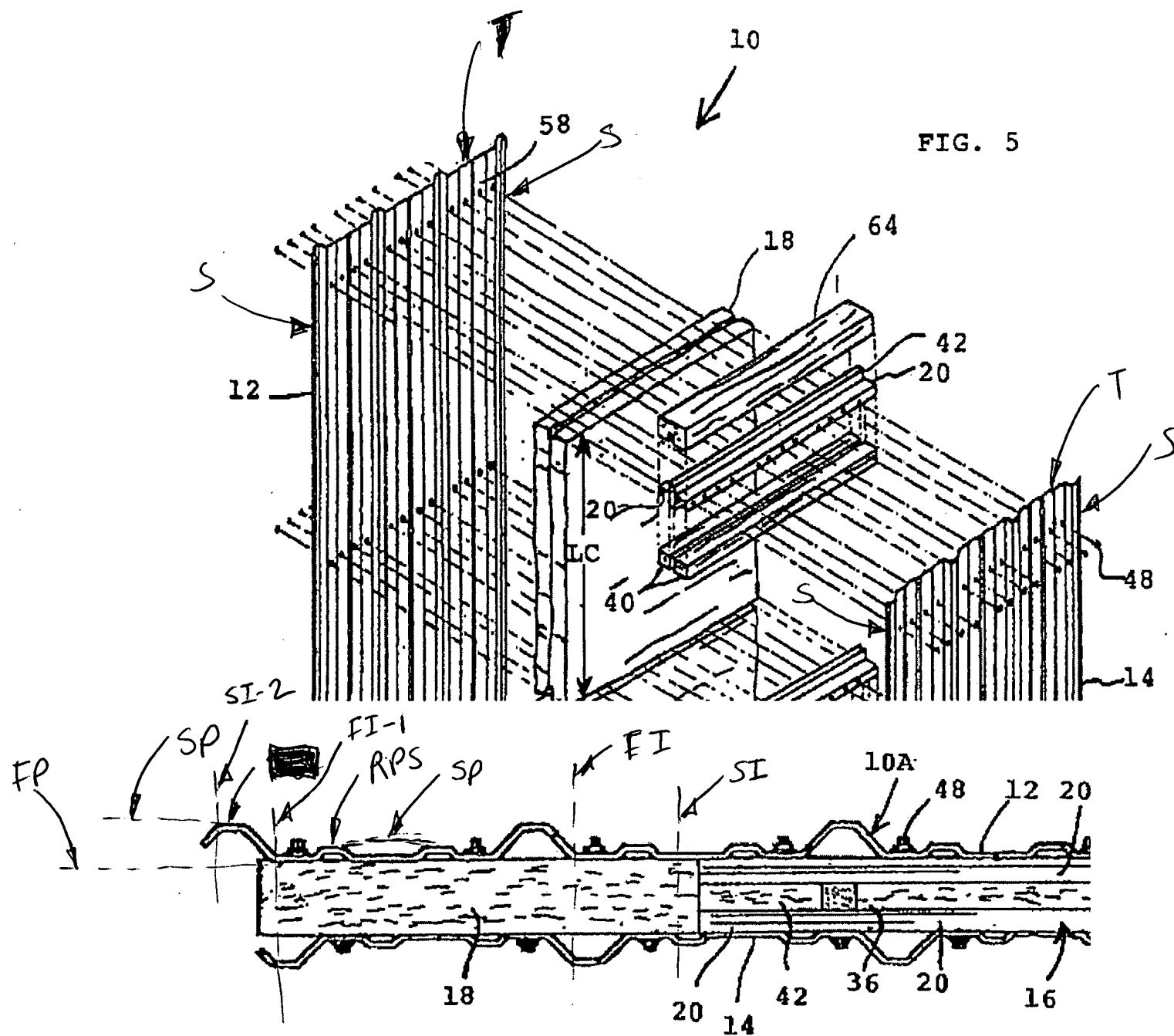
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

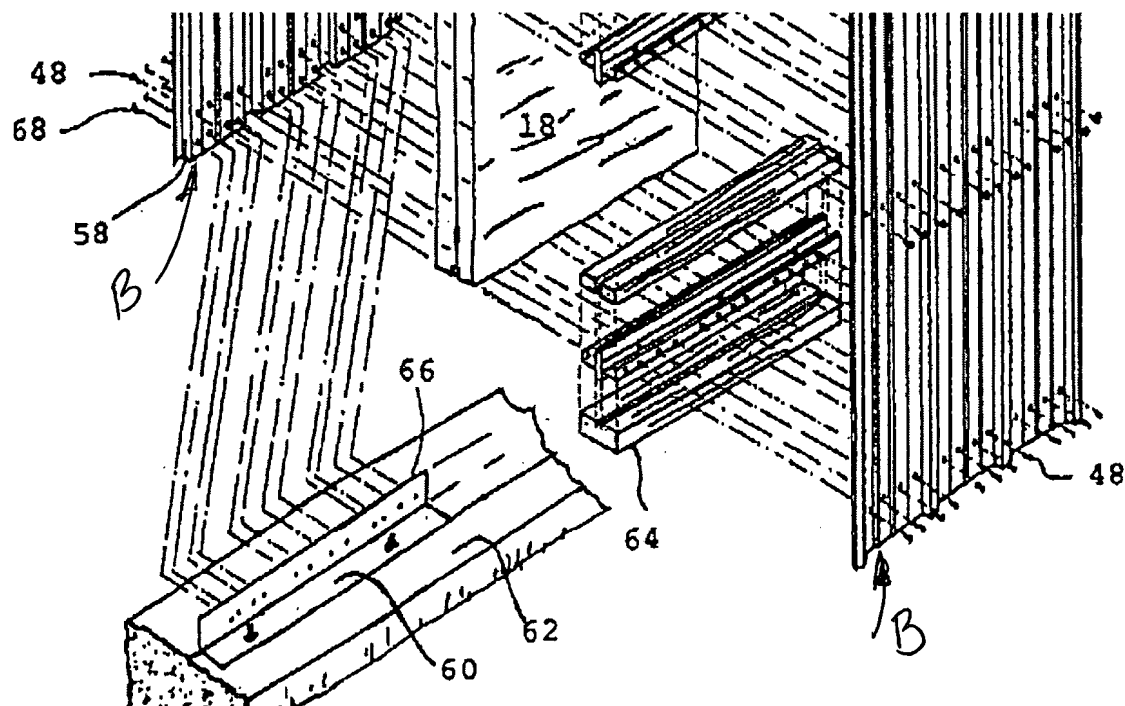
Claims 8,9,24,26,27,30 and 32-37 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,390,466 to JOHNSON et al. In reference to claims 8,9,24 and 34, JOHNSON et al. discloses the use of a shearwall (10) including a central

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diaphragm having a top (T) and bottom (B) edge and first (F) and second (S) ends defining the height and width of the diaphragm, and a corrugated section (12,14) extending between the top (T), bottom (B), first (F) and second (S) edges/ends, see below, and a sill plate (60) affixed to the bottom edge (B). Further regarding claims 9 and 24, JOHNSON et al. further discloses a pair of angled sections (A) angled inward towards one another away from a first plane (FP) and terminating at a front planar section defining a second or rear plane (SP); and a pair of rear planar sections (RPS) having a surface (S) residing in the rear or second plane (SP). Regarding claim 26, the shearwall includes a sill plate (60). In reference to claims 27 and 30, first (FI) and second (SI) intersection lines are defined between a pair of rear planar sections (RPS) and a pair of angled section; wherein the intersection lines extend between the top and bottom of the panel. Regarding claims 32 and 33, first (FI-1) intersection line are defined between a an angled section and the front planar section; and a second (SI-2) intersection line is defined between a second of the angled sections and a front planar section such that the first and second intersection lines (FI-1, SI-2) are parallel. In reference to claim 31, it is inherent that the intersection lines extend from the top tp the bottom edges. Further regarding claim 34, and in reference to claims 35 and 36, the panel includes a central section (18) of variable width, formed of a unitary section (18) at least partially between the top and bottom or a plurality of sections between the top and bottom.

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Allowable Subject Matter

Claims 25, 28, 29 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11, 14, 15, 17, 18 are allowed.

Response to Arguments

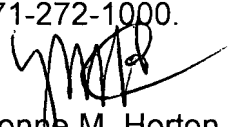
Applicant's arguments with respect to the claims have been considered but are moot in view of the newly revised ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yvonne M. Horton
Examiner
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05/26/07